

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
DIVISION

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta

JUN 22 2015

JAMES N. HATTEN, Clerk
By: *[Signature]* Deputy Clerk

Charlene Maddox
(Print your full name)

Plaintiff *pro se*,

v.

PNC Bank, N.A.

249 Fifth Ave, One PNC Plaza
Pittsburgh, PA 15222

(Print full name of each defendant; an
employer is usually the defendant)

Defendant(s).

CIVIL ACTION FILE NO.

1:15-CV-2244
(to be assigned by Clerk)

PRO SE EMPLOYMENT DISCRIMINATION COMPLAINT FORM

Claims and Jurisdiction

1. This employment discrimination lawsuit is brought under (check only those that apply):

_____ Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e *et seq.*, for employment discrimination on the basis of race, color, religion, sex, or national origin, or retaliation for exercising rights under this statute.

NOTE: To sue under Title VII, you generally must have received a notice of right-to-sue letter from the Equal Employment Opportunity Commission ("EEOC").

_____ Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 et seq., for employment discrimination against persons age 40 and over, or retaliation for exercising rights under this statute.

NOTE: To sue under the Age Discrimination in Employment Act, you generally must first file a charge of discrimination with the EEOC.

 X

Americans With Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., for employment discrimination on the basis of disability, or retaliation for exercising rights under this statute.

NOTE: To sue under the Americans With Disabilities Act, you generally must have received a notice of right-to-sue letter from the EEOC.

_____ Other (describe) _____

2. This Court has subject matter jurisdiction over this case under the above-listed statutes and under 28 U.S.C. §§ 1331 and 1343.

Parties

3. Plaintiff. Print your full name and mailing address below:
- Name Charlene Maddox
- Address P. O. Box 44001
- Atlanta, GA 30336
4. Defendant(s). Print below the name and address of each defendant listed on page 1 of this form:
- Name PNC Bank N.A.
- Address 249 Fifth Ave One PNC Plaza
- Pittsburgh, PA 15222
- Name
- Address
-
- Name
- Address
-

Location and Time

5. If the alleged discriminatory conduct occurred at a location ~~different~~ from the address provided for defendant(s), state where that discrimination occurred:
- PNC Bank, N.A. PNC Bank, N.A.
- 1585 Southlake Pkwy and 50 South Marietta Pkwy SW
- Morrow, GA 30260 Marietta, GA 30064

6. When did the alleged discrimination occur? (State date or time period)

January 2012 -April 2014

Administrative Procedures

7. Did you file a charge of discrimination against defendant(s) with the EEOC or any other federal agency? ☒ Yes ☐ No

If you checked "Yes," attach a copy of the charge to this complaint.

8. Have you received a Notice of Right-to-Sue letter from the EEOC?

☒ Yes ☐ No

If you checked "Yes," attach a copy of that letter to this complaint and state the date on which you received that letter:

May 4, 2015

9. If you are suing for **age discrimination**, check one of the following:

☐ 60 days or more have elapsed since I filed my charge of age discrimination with the EEOC

☐ Less than 60 days have passed since I filed my charge of age discrimination with the EEOC

10. If you were employed by an agency of the State of Georgia or unsuccessfully sought employment with a State agency, did you file a complaint against defendant(s) with the Georgia Commission on Equal Opportunity?

☐ Yes ☐ No ☒ Not applicable, because I was not an employee of, or applicant with, a State agency.

If you checked "Yes," attach a copy of the complaint you filed with the Georgia Commission on Equal Opportunity and describe below what happened with it (i.e., the complaint was dismissed, there was a hearing before a special master, or there was an appeal to Superior Court):

11. If you were employed by a Federal agency or unsuccessfully sought employment with a Federal agency, did you complete the administrative process established by that agency for persons alleging denial of equal employment opportunity?

☐ Yes ☐ No ☒ Not applicable, because I was not an employee of, or applicant with, a Federal agency.

If you checked "Yes," describe below what happened in that administrative process:

Nature of the Case

12. The conduct complained about in this lawsuit involves (check only those that apply):

☐ failure to hire me
☐ failure to promote me
☐ demotion
☐ reduction in my wages
☒ working under terms and conditions of employment that differed from similarly situated employees
☒ harassment
☒ retaliation
☒ termination of my employment
☒ failure to accommodate my disability
☒ other (please specify) Unequal and unfair treatment- bias

13. I believe that I was discriminated against because of (check only those that apply):

☐ my race or color, which is _____
☐ my religion, which is _____
☐ my sex (gender), which is ☐ male ☐ female
☐ my national origin, which is _____
☐ my age (my date of birth is _____)
☒ my disability or perceived disability, which is:
Surgeries 1. Rotator Cuff 2. Meniscus Tear- Right Knee
☐ my opposition to a practice of my employer that I believe violated the federal anti-discrimination laws or my participation in an EEOC investigation
☐ other (please specify) _____

14. Write below, as clearly as possible, the essential facts of your claim(s). Describe specifically the conduct that you believe was discriminatory or retaliatory and how each defendant was involved. Include any facts which show that the actions you are complaining about were discriminatory or retaliatory. Take time to organize your statements; you may use numbered paragraphs if you find that helpful. Do not make legal arguments or cite cases or statutes.

1. Discrimination- Job assignment - Disabled employee relocated to South side of the city of Atlanta, from the North side of the city
tremendously affecting disabled employee job performance.
2. Supervisor relocated disabled employee to area on the South
side of Atlanta with poor accomaditions and hostile work
environment.
3. Supervisor sabotaged employee work repeatedly.
4. Supervisor created false performance report/ review on employee.
5. Supervisor displayed bias behavior toward disabled employee, causing
disabled employee to experience unequal and unfair treatment.
6. Supervisor harassed disabled employee repeatedly and with
the knowledge of other employees, causing a hostile work
environment.
7. Supervisor's pattern of harrassing disabled employee was so severe,
that the supervisor's bullying humilated and immobilized the employee.
8. Supervisor crossed the line of harrassment when the disabled employee
nearly experienced an autobile accident
9. Supervisor's bullying and harrassing conduct toward employee had
a major effect on disabled employee psychological well-being.

(Attach no more than five additional sheets if necessary; type or write legibly only on one side of a page.)

Question 14. continues

10. Supervisor's harrassing and bullying behavior towards disabled employee severely interferred with disabled employee work performance.
11. Supervisor's assistant (Market Loan Manager) used extremely offensive language toward disabled employee.
12. Disabled employee experienced volatile- bullying retaliation from supervisor.
13. Supervisor hired new employee to take disabled employee job position, causing conflict and hostile environment for disabled employee.
14. Supervisor hindered disabled employee job production, conspired with other employees against disabled employee.
15. Disabled did not receive incensive bonus paid awarded for job production.
16. Supervisor and (Market Loan Manager)fired disabled employee, in April 2014 in front of other employees.

15. Plaintiff X still works for defendant(s)
 X no longer works for defendant(s) or was not hired

16. If this is a disability-related claim, did defendant(s) deny a request for reasonable accommodation? X Yes No

If you checked "Yes," please explain: _____
PNC Bank, N.A.

_____1585 Southlake Pkwy

_____Morrow, GA 30260

17. If your case goes to trial, it will be heard by a judge unless you elect a jury trial. Do you request a jury trial? X Yes No

Request for Relief


As relief from the allegations of discrimination and/or retaliation stated above, plaintiff prays that the Court grant the following relief (check any that apply):

- _____ Defendant(s) be directed to _____
- X _____ Money damages (list amounts) Lost wages-- Annual Income
\$73,000.
- X _____ Costs and fees involved in litigating this case
- X _____ Such other relief as my be appropriate

PLEASE READ BEFORE SIGNING THIS COMPLAINT

Before you sign this Complaint and file it with the Clerk, please review Rule 11 of the Federal Rules of Civil Procedure for a full description of your obligation of good faith in filing this Complaint and any motion or pleading in this Court, as well as the sanctions that may be imposed by the Court when a litigant (whether plaintiff or defendant) violates the provisions of Rule 11. These sanctions may include an order directing you to pay part or all of the reasonable attorney's fees and other expenses incurred by the defendant(s). Finally, if the defendant(s) is the prevailing party in this lawsuit, costs (other than attorney's fees) may be imposed upon you under Federal Rule of Civil Procedure 54(d)(1).

Signed, this 22 day of June, 2015


(Signature of plaintiff *pro se*)

Charlene Maddox

(Printed name of plaintiff *pro se*)

760 Highland Oaks Drive SW

(street address)

Atlanta, GA 30331

(City, State, and zip code)

charlenemaddox@aol.com

(email address)

404 895-0711

(telephone number)

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: Agency(ies) Charge No(s): <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC 410-2014-03969	
_____ and EEOC State or local Agency, if any			
Name (Indicate Mr., Ms., Mrs.) Ms. Charlene Maddox c/o Rita Cherry, Esq., Cherry & Associates		Home Phone (incl. Area Code) (404) 870-8417	Date of Birth 6/20/55
Street Address 1401 Peachtree St N.E., Suite 500		City, State and ZIP Code Atlanta, GA 30309	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name PNC Bank, N.A.		No. Employees, Members 500 or More	Phone No. (Include Area Code) (412) 762-2000
Street Address 249 Fifth Avenue, One PNC Plaza		City, State and ZIP Code Pittsburg, PA 15222	
Name Attn: Ms. Joan L. Gulley, Human Resources		No. Employees, Members	Phone No. (Include Area Code)
Street Address		City, State and ZIP Code	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input type="checkbox"/> RACE <input type="checkbox"/> COLOR <input type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input type="checkbox"/> NATIONAL ORIGIN <input type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input checked="" type="checkbox"/> DISABILITY <input type="checkbox"/> GENETIC INFORMATION <input type="checkbox"/> OTHER (Specify)		DATE(S) DISCRIMINATION TOOK PLACE Earliest: 8-2013 Latest: 4-7-2014 <input type="checkbox"/> CONTINUING ACTION	
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
I. I was employed with PNC Bank in Atlanta, Georgia as a Business Banker. II. I suffered an injury on the job, which resulted in my disability. In August 2012 was placed on FMLA leave. III. When I returned to work in July 2013, my manager harassed me, took work away from me, and placed me on a performance improvement plan. On April 7, 2014 PNC fired me for performance. IV. I believe I have been discriminated against on the basis of disability in violation of the Title VII of Civil Rights Act of 1964, as amended 42 U.S.C. § 2000e et seq. and the Americans With Disabilities Act of 2008.			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY - When necessary for State and Local Agency Requirements	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT	
4-25-2014 <i>Charlene Maddox</i> Date Charging Party Signature		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To **Charlene Maddox**
1401 Peachtree Street, NE
Suite 500
Atlanta, GA 30309

From **Atlanta District Office**
100 Alabama Street, S.W.
Suite 4R30
Atlanta, GA 30303

☐

On behalf of person(s) aggrieved whose identity is
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No

EEOC Representative

Telephone No

410-2014-03969

Richard S. Strouse,
 Investigator

(404) 562-6832

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**, or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

MAR 23 2015

Enclosures(s)

Bernice Williams-Kimbrough,
 District Director

(Date Mailed)

cc:

David Burton
 Senior Counsel, Employment
 PNC FINANCIAL SERVICES GROUP, INC.
 249 Fifth Ave.
 Pittsburgh, PA 15222

Rita Cherry, Attorney
CHERRY & ASSOCIATES
 1401 Peachtree Street, NE
 Suite 500
 Atlanta, GA 30309